

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11892 of 2021**

Arising Out of PS. Case No.-490 Year-2020 Thana- CHAPRA TOWN District- Saran

RAJDEO RAI Son of Jitendra Ray Resident of Village - Bara Telpa, P.s.-
Chapra Town, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-01-2022 Due to the third wave of COVID-19 Pandemic, the
matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

Learned Counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in connection
with Chapra Town P.S. case No.490/2020 registered under
Sections 363, 364, 120(B) of the Indian Penal Code.

Prosecution case, in short, is that the accused persons
abducted the son of the informant.

It has been submitted on behalf of the petitioner that



the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The victim is alleged to have left his house with the co-accused, who is named in the F.I.R. The petitioner is not named in the F.I.R. The name of the petitioner has transpired in this case in course of investigation on the confessional statement of co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. The F.I.R. has been instituted after three days of the alleged occurrence. Delay has not been explained by the prosecution.

On behalf of the State, it is submitted that the petitioner is not named in the complaint case/F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.



Considering the facts and circumstances, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned C.J.M., Saran, Chapra in connection with Chapra Town P.S. case No.490/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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